



Planning & Engineering
Department

For Office Use:	
BZA	se #: 091004
Date:	Sept 10, 2004

Town of Blacksburg, Virginia Variance Application to the Board of Zoning Appeals

Please contact the Planning and Engineering Department at (540) 961-1114 for the application deadline. This application and accompanying information must be submitted in full before the case may be referred to the Board of Zoning Appeals for consideration.

1. Information on the Property Owner.

Name: Faith Christian

Address: 506 Woolwine Street Blacksburg VA 24060
street city state zip code

Home Phone: 540-951-2772 Work Phone: _____

Fax # (if applicable): _____

E-mail Address (if applicable): _____

2. Information on the contract purchaser or agent.

Name: Darren Coffey

Address: 300 South Main St. Blacksburg VA 24062-9003
street city state zip code

Home Phone: _____ Work Phone: 951-4337

Fax # (if applicable): 558-0719

E-mail Address (if applicable): dc Coffey@blacksburg.gov

3. Information about the property.

Address: 506 Woolwine St. Blacksburg VA 24060
street city state zip code

Tax Parcel Number(s): 227-(A)-37

Present Use of Property: Single family residential

Section of Zoning Ordinance for Requested Variance: Sec. 3052 Site Development Regulations

Present Zoning Standard: Front: 25' Side: 10'

Variance Requested: 15' front variance ; 2' left (North) side & 6' right (South) side
Variances

4. Please provide detailed information on the following questions. The answers will be used in the determination of approval of the variance (attach separate sheets if necessary):

1. Description of the proposed request:

See attached

2. Please describe the unusual characteristics of the property which would justify the need for a variance (e.g., size, shape, topography):

See attached

3. Please explain how the Zoning Ordinance effectively prohibits or unreasonably restricts the use of the property:

See attached

4. Please describe how this is a clear hardship which approaches confiscation of your property and is not a special privilege or convenience:

See attached

5. The following items must accompany this application:

1. A surveyed map of the property showing structures, site improvements, and physical features if this information is necessary to determine the nature of the variance requested.
2. A vicinity map (may be combined with the other map required).
3. Any item submitted that is in excess of 11" x 17" paper size or in color requires thirty-six (36) copies.
4. A list of adjacent property owners including properties across the street and their addresses, and the cost for first class postage for notifying each adjacent property owner. As of 2003, cost per notification is \$0.37 but this amount is subject to change.
5. A fee of \$500 to be applied to the cost of advertising and expense incidental to reviewing, publishing, and processing this application. Please make your check or money order payable to the **Town of Blacksburg**.

Please sign here after you have read and completed this application. If you have any other questions please contact the Town Planning and Engineering Department at (540) 961-1114.

Paul I. Chastain

Signature of Applicant

09-02-04

Date

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VARIANCE APPLICATION

4. **Please provide detailed information on the following questions. The answers will be used in the determination of approval of the variance (attach separate sheets if necessary):**

1. Description of the proposed request:

The owner of 506 Woolwine Street (R-5 District) is a qualified, low income participant in the Town's CDBG Housing Project for the Roanoke-Lee Street area. After evaluating the structure for rehabilitation, it was determined by the project's designated Rehabilitation Specialist and the Town Building Official that the structure was not sound, could not be economically rehabilitated, and needed to be replaced. Bids have been received to replace the structure. The Town's Housing Rehabilitation Program Design, as proposed, requires that a structure be replaced in its "same basic footprint" according to HUD's environmental guidelines. This provision is to minimize any impact to the environment or the historic character of an area. In this case, it would reinforce the historic character of the area.

In order to replace the house under HUD's guidelines, a variance to Division 5, R-5 Transitional Residential District, Section 3052 (c) (1), and (c) (2) is needed from the Board of Zoning Appeals.

2. Please describe the unusual characteristics of the property which would justify the need for a variance (e.g., size, shape, topography):

The 3,139 square foot property is a legally nonconforming lot (less than 8500 SF) with only 43 feet of road frontage. The current 780 square foot nonconforming structure is only nine feet from the right-of-way along the front setback, six feet from the north side yard, and three feet from the south side yard. The proposed structure cannot be moved back enough to meet the front setback (25') without encroaching on the rear setback (25'). Increasing the front setback the maximum amount (18') without encroaching into the rear setback would still require a seven foot front setback variance and could negatively impact the historic character of the area. In order to meet all setbacks, the proposed 672 square foot structure would have to be shrunk to 529 square feet. As proposed, the width of the house is two feet shorter and one foot less in depth than the existing structure thus somewhat decreasing the existing nonconformities.

3. Please explain how the Zoning Ordinance effectively prohibits or unreasonably restricts the use of the property:

Strict application of the Zoning Ordinance will not allow for the voluntary replacement of a nonconforming structure on a nonconforming lot, the lot does not have the required 45 feet of road frontage, and replacing the structure in the same footprint (according to the HUD criteria) will reduce but not eliminate the side and front yard encroachments. If all setbacks are met, then the existing 780 square foot structure would be replaced by a 529 square foot structure including porches.

4. Please describe how this is a clear hardship which approaches confiscation of your property and is not a special privilege or convenience:

This dwelling is structurally unsafe and needs to be replaced or demolished. Human shelter is a basic necessity that does not constitute a privilege or a convenience. The owner, as a low income resident, is participating in a Town affordable housing program to help rehabilitate her house. The Zoning Ordinance, by its strict enforcement, will not reasonably allow the house to be replaced. This is, by definition, a hardship approaching confiscation of the property.

SEP 10 2004

506 WOOLWINE STREET
SITE PLAN
BLACKSBURG, VIRGINIA

D. Substantial Reconstruction

Planning & Engineering
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If, during the implementation of the housing rehabilitation program, the Town qualifies an applicant in a dilapidated dwelling that is determined "Unsuitable for Rehabilitation", the Town may substantially reconstruct the house in the same basic footprint at a reasonable replacement cost after all other options, including relocation have been fully explored and documented as infeasible.

The established policy of the Town for substantial reconstruction noted below will be followed:

1. The occupants of the house must be the owner of the property.
2. The footprint of the structure shall not substantially increase.
3. Strategies such as rehabilitation and relocation must be explored and documented as infeasible before using this option.
4. In the case where a contractor has physically begun rehabilitation and discovers that conditions are worse than expected, making the property "Unsuitable for Rehabilitation", the Town may terminate the contract and proceed with "substantial reconstruction".
5. For properties which are determined to be "Unsuitable for Rehabilitation" the following process MUST be followed:
 - a. The Housing Rehab Specialist must prepare a written itemized cost estimate of the repairs needed to bring the house to Section 8 Housing Quality Standards and the cost must clearly exceed the value of the primary structure, or the Housing Rehab Specialist must document that a structural condition exists which clearly causes the property to meet the definition of "Unsuitable for Rehabilitation" as set forth in the Program Design.
 - b. The Housing Rehab Specialist must prepare plans and specifications for the proposed substantially reconstructed house, and either prepare an itemized cost estimate or secure bids from contractors and suppliers of the cost of the proposed house.
6. The substantial reconstructed home may be either: 1) stick built; or 2) a modular home as defined in the Town of Blacksburg Zoning Ordinance that meets locally adopted building codes (e.g., 2000 IRC with Virginia Amendments). The owner must be allowed to select which option will be provided.

E. Infill Housing/Homeownership Assistance

The Town of Blacksburg will encourage the development of single-family units on vacant property in the project areas. The Town will waive utility connection fees for units occupied by LMI households according to State requirements. Downpayment assistance may be available to LMI homebuyers from the CDBG funds. The assistance will not exceed \$3,000 per unit and will be a forgivable 10-year loan based on residency requirements.